

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA : **CRIMINAL NO. 1:02-CR-0303**
:
v. : **(Judge Conner)**
:
SAVALAS J. POPE :

ORDER

AND NOW, this 23rd day of January, 2006, upon consideration of the order of court dated December 1, 2005 (Doc. 38), directing defendant to file a response on or before December 30, 2005, showing cause why his motion to vacate sentence (Doc. 37), filed pursuant to 28 U.S.C. § 2255, should not be denied for failure to file within the applicable period of limitations, see 28 U.S.C. § 2255 ("A 1-year period of limitation shall apply to a motion under this section."); see also United States v. Bendolph, 409 F.3d 155, 164 (3d Cir. 2005) (providing that the court may raise § 2255 limitation period *sua sponte*), and it appearing that as of the date of this order defendant has not filed a response, it is hereby ORDERED that:

1. The motion to vacate sentence (Doc. 37) is DENIED for failure to file within the applicable limitations period. See 28 U.S.C. § 2255; United States v. Bendolph, 409 F.3d 155, 164 (3d Cir. 2005).
2. The Clerk of Court is directed to CLOSE this case.

/s/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge